

TITLE 14-000.

UTILITIES

14-100. WATER.

14-110. WATER DEPARTMENT CREATED.

The Delta City Water Department is hereby created. It shall administer the operation and maintenance of the water system of Delta City.

14-111. SUPERINTENDENT.

There is hereby created the position of Superintendent of the water department, which position shall be filled by the Delta City Public Works Director until the City Council provides otherwise.

14-112. DUTIES OF THE SUPERINTENDENT.

The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the City Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the Mayor.

14-113. APPLICATION FOR WATER CONNECTION. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the Delta City water system, shall file with the water department for each such connection a written and signed connection application. After the connection application is completed by the applicant, the application shall be kept on file under the supervision of the water superintendent. The signed connection application shall be in substantially the following form:

CITY OF DELTA, UTAH

APPLICATION FOR WATER CONNECTION TO THE

DELTA CITY MUNICIPAL WATER SYSTEM

I hereby apply to the City of Delta, Utah for permission to connect my premises at _____ with the Delta City water system and hereby agree as follows:

1. (a) Delta City shall make the requested connection, including the water meter after I have complied with the Delta City regulations regarding installation of water lines and payment of fees and other such requirements. I agree to pay to Delta City the connection charges and fees as may be fixed by the City Council by resolution or

ordinance, including a water rights fee if so provided. The work of extending the water line from the existing city water main to my property line and from the water meter to the place at which the water is to be used shall be my responsibility as provided by Delta City regulations.

(b) The connection to the municipal water system up to my property line or to the water meter if the meter is installed within my property, and the water connection including the meter, shall be and remain the property of Delta City at all times and Delta City shall have access thereto at all times.

2. The location of the meter, whether it be on my premises or at some point near my premises shall be decided by Delta City.

3. Before making connection to the water system, I will assure that the plumbing upon my premises may be inspected by Delta City and if the plumbing is not approved, I will cause the plumbing to be corrected at my own expense to meet the requirements of Delta City, the State of Utah as set out in the Utah Plumbing Code and the requirements of any other governmental agency having jurisdiction to regulate the Delta City water system.

4. I agree to be bound by the rules, regulations, resolutions or ordinances as now or hereafter adopted by the City of Delta applicable to use of its municipal water system.

5. The purpose for which the water connection will be used is _____.

6. I agree that if I fail to pay my water service fees when due, or within 30 days thereafter, the City of Delta shall be entitled to disconnect my water service after giving five (5) days notice at the address set out below. I further agree that if Delta City is required to disconnect my water service, that a connection fee of \$_____ shall be paid prior to reconnection.

7. Billings for water service at the location as requested above shall be sent to the following address _____.

DATED this _____ day of _____, 2_____.

Signature of Applicant

14-114. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER OR DEVELOPER. Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission

to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required and the reimbursement to be paid to the applicant for connections made to any such line extensions. The extension agreement shall comply with the requirements of Chapter 14-300 of these ordinances.

14-115. APPLICATION FOR WATER SERVICE AND REQUIREMENTS FOR SECURITY DEPOSITS.

A. APPLICATION FOR WATER SERVICE.

Any person who desires or is required to secure water service when such service is available from the municipal water system shall file with the Public Works Department a written application and agreement for the service which shall be in substantially the following form:

CITY OF DELTA, UTAH

APPLICATION FOR WATER SERVICE TO CITY OF DELTA, UTAH

The undersigned, hereby applies for water service from the City of Delta, Utah, for the premises located at _____, and hereby agrees:

1. To pay charges for such water service as are fixed from time to time by the City Council until such time as I shall properly direct such service to be discontinued.
2. In the event of a failure to pay water charges within the due dates fixed by the City Council or of a failure of the occupant of the premises to conform to the ordinances, resolutions and regulations established by the City Council regulating the use of the water system, I agree that Delta City shall have the right to discontinue the water system service upon sending written notice of its election to do so, at the address set forth above. Water service shall be discontinued until all delinquencies and any reconnection fees or required deposits are paid in full and until there is full compliance with this ordinance or any resolutions or regulations adopted in furtherance thereof.
3. To be bound by the rules, regulations, resolutions or ordinances enacted or adopted by the City Council applicable to Delta City's water system.
4. Additionally, I agree that Delta City shall have the right to institute collection proceedings by all means available to it, including suit in a court of proper jurisdiction. The applicant agrees to pay all costs of collection including court costs and attorney's fees.
5. (SECURITY DEPOSIT, APPLICABLE [___] NOT APPLICABLE [___] UNDER SECTION 14-115.B. OF THE REVISED ORDINANCES OF DELTA CITY.). Applicant does hereby deposit \$_____ with Delta City on the filing of this application for water service, and

it is agreed and understood that Delta City may, but need not, apply the deposit upon bills due for prior service and that the right of Delta City to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by Delta City at the time the deposit is made and in accordance with Section 14-115.B. of the Revised Ordinances of Delta City (1981 edition), as amended.

6. The deposit shall not be considered as an advance payment for any service. Unpaid accounts shall be considered delinquent notwithstanding the existence of the security deposit, and the applicant or user of water service shall not have the right to compel Delta City to apply the security deposit to any account to avoid delinquency or the discontinuance of water and/or sewer services.

DATED this ____ day of _____, 2____.

(Signature of Applicant)

In consideration of the acceptance of the application for water service submitted by _____(tenant), I/we will pay for all water services for any such tenant or any other occupancy of the above listed premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations or resolutions enacted by Delta City.

DATED this ____ day of _____, 2____.

Telephone No. _____

(Owner)

B. REQUIREMENT FOR SECURITY DEPOSITS.

1. Security Deposits. Security deposits shall be required from the following:

(a) Renters, lessees, tenants and other non-property owners, regardless of the zone classification;

(b) New property owners that have not established a payment history with Delta City for a period of at least twelve (12) consecutive months prior to making application for water and/or sewer service, regardless of the zone classification.

(c) Property owners who have had water and/or sewer services discontinued or disconnected by Delta City for failure to pay utility or service charges.

(d) For purposes of this section, property owners shall include, but shall not be limited to, individuals, sole proprietorships, trusts, corporations, partnerships, limited

partnerships, limited liability companies and any other entity holding itself out to do business in the State of Utah.

2. Security Deposit Amount. Unless otherwise established hereafter by resolution, each security deposit amount required hereunder shall be One Hundred Dollars (\$100.00).

3. Affected Locations Requiring Security Deposits.

(a) One location, separate accounts. A security deposit shall be required for each separate account at any single location.

(b) Separate locations. A security deposit shall be required for each separate location owned and/or operated by the same person or entity.

(c) Multiple meters. Multiple meters attached to one building and listed under the same account shall not require more than one deposit.

4. Affect of Security Deposit Payment. Delta City may, but need not, apply the security deposit upon any bills due for prior service. The right of Delta City to discontinue service shall exist even though the security deposit has not been applied to the payment of past due bills for services. The security deposit shall not be considered as an advance payment for any service. Unpaid accounts shall be considered delinquent notwithstanding the existence of the security deposit, and the applicant or user of water and sewer services shall not have the right to compel Delta City to apply the deposit to any account to avoid delinquency or discontinuance of water and/or sewer services.

5. Refund of Security Deposit.

(a) Property Owners. Security deposits shall be refunded to property owners after one (1) year, provided, there has not been any delinquencies or default in the payment for water and/or sewer services within that time frame. Property owners must establish a payment history, with no default or delinquencies, for twelve (12) consecutive months, prior to receiving a full refund of the security deposit.

(b) Non-property Owners.

(i) Security deposits shall not be refunded to non-property owners due to the risk of leaving accounts unpaid upon departure from Delta City. Provided, non-property owners may receive a full or partial refund of the security deposit if the security deposit or any part thereof is not applied to the non-property owner's final billing statement.

(ii) Non-property owners leaving the Delta City area who are entitled to a full or partial refund of the security deposit must provide Delta City with a correct mailing address in which to send such refund. In the event such person fails to provide a forwarding address or if the address provided is incorrect, such person(s) shall be deemed to have forfeited

the security deposit to Delta City. The security deposit shall be deemed forfeited ninety (90) days from the date of the final billing statement.

14-116. NON-OWNER APPLICANTS – AGREEMENT OF OWNER.

Applications for water service made by a tenant, renter, or lessee, must be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent as set out at the bottom of the form shown in Section 14-115.

14-117. RATES AND CONNECTION FEES.

The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee, water rights fee and other charges incidental to connection and services from the Delta City water systems shall be fixed from time to time by resolution enacted by the City Council. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

14-118. SPECIAL RATES.

The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

14-119. BOARD OF EQUALIZATION, RATES AND REBATES.

The City Council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.

14-120. USE WITHOUT PAYMENT PROHIBITED.

It shall be unlawful for any person by himself, family, servants or agents to utilize the Delta City water or sewer system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It shall be unlawful to injure, deface or impair any part or appurtenance of the water or sewer system or to cast anything into any reservoir or tank belonging to the water system.

14-121. DELINQUENCY – DISCONTINUANCE OF SERVICE.

A. The City Recorder or Public Works Director shall furnish to each user, or mail to, or leave at his/her place of residence or usual place of business, a written or printed statement showing thereon the amount of water and sewer service charges assessed against him/her once each month or at such other regular intervals as the City Council shall direct.

B. The statement shall specify the amount of the bill for the water and sewer service, the place of payment and the date payment is due. If any person fails to pay the water and/or sewer charges by the due date contained on the monthly billing statement, such bill shall be deemed delinquent and late charges will be assessed against the property. A late charge shall be assessed each and every month thereafter until all amounts due and owing are paid in full.

C. If a customer becomes delinquent, the Public Works Director shall cause to be mailed, by priority mail, a Notice of the City's intent to terminate water and/or sewer service to the customer unless the customer pays the past due amount, together with accrued late charges, within seven (7) days from service of said Notice, or makes other suitable arrangements with Delta City for payment. Service of said Notice by mail is complete upon mailing. Any Notice required to be sent pursuant to the provisions of this ordinance shall be deemed sufficient if sent to the last known address of the customer, or at such address as is contained on the application signed by the customer, on record with the Delta City Public Works Department.

D. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all amounts owed Delta City to date of disconnection, together with late charges, must be paid in full to the Treasurer. Furthermore, in the event water service is discontinued for nonpayment of water and/or sewer charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to such amounts due, a reconnection fee as established by resolution. In addition to such payments, the customer shall be required to make and file a new application and security deposit if any previous security deposit has been applied to the payment of delinquent bills.

E. Upon disconnection of the water service, Delta City shall apply the security deposit, if any, to the outstanding debt. If the security deposit is insufficient to cover the outstanding debt or if there is no security deposit to apply to the outstanding debt, the Public Works Director shall pursue collection in the Delta City Small Claims Court. Any accounts over the jurisdictional amount of Small Claims Court shall be sent to the City Attorney's office for collection. In the event of a lawsuit or other enforcement proceedings under the provisions of this title with or without suit, the customer shall be responsible for all costs expended, including reasonable attorney's fees.

14-122. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED.

It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinance, rules, regulations or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the Public Works Director and City Recorder.

14-123. SEPARATE CONNECTIONS.

It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the City Council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliances or payment has been made, and in any event, the property owner shall be primarily liable to Delta City for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of Delta City to require separate pipes, connections or meters at a subsequent time.

14-124. UNAUTHORIZED USERS.

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises

14-125. PERIOD FOR VISITORS.

Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed 30 days. Continued use thereafter except as permitted by the Mayor and Public Works Director shall be deemed unauthorized and violative of the provisions of this part relating to separate connections and unauthorized use.

14-126. PIPES TO BE KEPT IN GOOD REPAIR. All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the Public Works Director shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

14-127. QUALITY OF SERVICE PIPE.

A. All service and other pipe used in conjunction with the Delta City water services shall be of such material, quality and specifications as the City Council may from time to time by resolution or ordinance provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alternations or extensions affecting water pipes shall be subject to the inspection and

acceptance of the Public Works Director, and no connections with any water mains shall be made without first obtaining a permit therefor from the City Recorder.

B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the Public Works Director and subject to such requirements relating to controls as may be imposed by him.

14-128. FAULTY EQUIPMENT.

It shall be unlawful for any water user to:

A. Waste water.

B. Allow it to be wasted by stops, taps, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.

C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.

D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

14-129. SPRINKLING VEHICLES.

Vehicles for sprinkling shall be regulated and controlled by the water department through the Public Works Director of the water department.

14-130. DEPARTMENT TO HAVE FREE ACCESS.

The water superintendent and his agents shall at all ordinary and reasonable hours have free access to any place supplied with water services from the municipal system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

14-131. NONLIABILITY FOR DAMAGES.

Delta City shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fire, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of Delta City beyond that provided in the Governmental Immunity Act.

14-132. WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC.

No water shall be supplied from the pipes of the municipal water system for the purpose of driving motor, siphon, turbine or other wheels or any hydraulic engines, or elevators

or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the City Council.

14-133. SPRINKLERS.

A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the City Council materially affect the pressure or supply of water in the municipal water system or any part thereof, and the City Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

B. The City Council shall, after determining that such improper use exists, notify the affected water user of the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitute a violation of this part.

14-134. SCARCITY OF WATER.

In time of scarcity of water, whenever it shall in the judgment of the Mayor and the City Council be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants or agents, to violate any proclamation made by the Mayor in pursuance of this part.

14-135. WASTE OF WATER.

A. Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of Delta City, a user of municipal water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the City Council.

B. The City Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the City Council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.

C. A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.

D. After due hearing, the City Council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

14-136. WATER METERS.

A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.

B. Meters will be furnished by Delta City upon application for a connection, and upon payment of such connection fees and other costs as may be established by the City Council from time to time by resolution.

C. Meters shall be deemed to be and remain the property of Delta City. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City Council after due notice in writing to the parties involved.

D. The superintendent shall cause meter readings to be taken regularly and shall advise the City Recorder thereof for the purpose of recording the necessary billings for water service.

E. Meters may be checked, inspected or adjusted at the discretion of Delta City, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of Delta City unless special permission is given by Delta City through its representatives to the customer.

F. If a customer submits a written request to the superintendent to test his water meter, Delta City may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the City Council, the meter shall be deemed to accurately measure the use of water.

G. If the meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, Delta City shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

H. All damages or injury to the lines, meters or other materials of Delta City on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of Delta City be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which

may arise or accrue to Delta City through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

14-137. PERMITS FOR INSTALLATION.

It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary water system except on the service side of the water meter without first having received a construction permit from the office of the City Recorder or the Public Works Director. This shall not be deemed to waive any of the provisions of the Utah Plumbing Code as adopted by the City of Delta.

14-138. APPLICATIONS FOR INSTALLATION PERMIT.

A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal water system must be made in writing by a licensed plumber, his authorized agent or by the owner of the premises who shall describe the nature of the work to be done for which the application is made. The application shall be granted if the superintendent determines that:

1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by Delta City. All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

14-139. MOVING OR REPLACEMENT OF WATER LINES.

In the event that Delta City in its sole discretion determines that any water line of Delta City must be moved or replaced, the municipality shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

14-140. WHEN PERMITS SHALL NOT BE ISSUED.

Permission to connect with the municipal water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the zoning building and plumbing codes of Delta City.

14-141. DISCONTINUANCE OF SERVICE.

Any customer desiring to discontinue service shall notify Delta City in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an

advance payment of bills or a deposit made will be refunded upon discontinuance of service.

14-142. FIRE HYDRANTS.

Water for fire hydrants will be furnished free of charge by Delta City. Installation and repairs on such hydrants shall be at the expense of Delta City except as provided in other ordinances or resolutions of the City Council and shall be made under the direction of Delta City. All customers shall grant Delta City, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if Delta City concludes that hydrants shall be so installed for the protection of the residents of Delta City.

14-143. RESERVED.

14-144. RESERVED.

14-145. RESERVED.

14-146. RESERVED.

14-147. RESERVED.

14-150. CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION.

14-151. GENERAL PURPOSES.

A. To protect the safe drinking water supply of Delta City from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and

B. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, and other applicable industry standards to assure water system safety; and

C. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems.

14-152. DEFINITIONS.

The following terms shall have the meanings specified, unless a different meaning is clearly evident from the context.

A. Auxiliary Water Supply:

Any water supply on or available to the premises other than the water purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, lake, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

B. Backflow:

A reverse flow condition, created by a difference in water pressures, which causes water to flow back into the distribution pipes or a potable water supply from any source or sources other than an intended source. Also see back-siphonage and cross connection.

C. Back-pressure:

The flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source

D. Back-siphonage:

A form of backflow caused by a negative or below atmospheric pressure within a water system. Also see backflow and cross connection.

E. Contaminant:

Means any physical, chemical, biological or radiological substance or matter in water.

F. Contamination: Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.

G. Cross Connection:

Any actual or potential connection between a drinking (potable) water system and an unapproved water supply or other source of contamination. For example, if you have a pump moving non-potable water and hook into the drinking water system to supply water for the pump seal, a cross connection or mixing may lead to contamination of the drinking water. Also see back-siphonage and backflow.

H. Cross Connection – Controlled.

A connection between a potable water system and non-potable water system with an approved backflow preventer properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

I. Inspection Official: A person designated by the local jurisdiction who is authorized to perform compliance and/or hazard assessment inspections and who also holds a Class I, II, or III Backflow Technician Certificate. The certification requirements for backflow technicians (all three classes) is found in the Utah Administration Code. Regulations concerning the certification of the three classes of backflow technicians have been adopted by the Utah Safe Drinking Water Board.

J. Maximum Contaminant Level:

Means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

K. Person:

Means an individual, corporation, company, partnership, association, municipality or state, federal or tribal agency.

L. Public Drinking Water System:

Means a system providing water for human consumption and other domestic uses, which as at least fifteen (15) service connections or serves an average of twenty-five (25) individuals daily for at least sixty (60) days of the year and includes collection, treatment, storage and distribution facilities under the control of the operator and used primarily in connection with the system, and collection, pretreatment or storage facilities used primarily in connection with the system but not under his/her control.

M. Water Purveyor:

The person designated to be in charge of the Public Works Department of Delta City, Utah, and is invested with the authority and the responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

14-153. PUBLIC DRINKING WATER SYSTEM'S RESPONSIBILITY.

A. The Delta City Public Works Department shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to the possible contamination of the drinking water system due to the backflow of non-drinking water substance into the drinking water supply.

B. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the Delta City Public Works Department. Survey records will be maintained by Delta City.

C. Delta City shall notify, in writing, all consumers of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety standards.

D. Determination of an approved backflow prevention assembly for containment control required at the point of jurisdictional change shall be determined from the results of the system's survey.

14-154. CONSUMER'S RESPONSIBILITY.

A. The customer/consumer shall comply with this ordinance as a term and condition of a public water supply and customer/consumer's acceptance of said water service is admittance of his/her awareness.

B. It shall be the responsibility of the customer/consumer to purchase, install, test and maintain any backflow prevention device/assembly required to comply with this ordinance.

14-155. PLUMBING OFFICIAL'S RESPONSIBILITY.

A. The plumbing official's responsibility to enforce the applicable sections of the Plumbing Code, begins at the point of service (downstream or consumer's side of the meter) and continues throughout the developed length of the consumer's water system. (Pursuant to the Plumbing Code, the plumbing official's responsibility commences ten (10) feet outside the building.)

B. The plumbing official will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly in accordance with the Plumbing Code.

C. Water vacating the drinking water supply must do so by an approved air gap or approved mechanical backflow preventer, properly installed in accordance with the Plumbing Code or Division of Drinking Water Rules.

14-156. CERTIFIED BACKFLOW ASSEMBLY TECHNICIANS, SURVEYORS OR REPAIR PERSONS RESPONSIBILITIES.

A. Whether employed by a public drinking water system or a customer/consumer to survey, test, repair or maintain backflow prevention assemblies, the certified backflow technicians, surveyors or repair persons will have the following responsibilities:

1. Ensuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.

2. Make reports of such testing and/or repair to the consumer and water purveyor within the time frames prescribed by the Division of Drinking Water.

3. The reports shall include the list of materials or replacement parts used.
 4. Ensuring replacement parts are the manufacturer's replacement parts.
 5. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
- B. Certified backflow technicians shall have the following responsibilities:
1. Perform all tests of the mechanical assemblies and be responsible for the competence and accuracy of all tests and reports.
 2. Ensure that his/her license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
 3. Be equipped with and be competent to use, all necessary tools, gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.
 4. The certified technician conducting the test must tag each double check valve, pressure vacuum breaker, spill-resistant vacuum breaker reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The license number must also be on the tag.
- C. In the case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor. If such a commercially tested assembly is in need of repair, state law requires that a licensed plumber or agent of the owner or owner of the assembly with a CC Cert. make the actual repairs.

14-157. REQUIREMENTS.

- A. Policy. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws, regulations, codes, and this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time suspense for voluntary compliance, if:
1. A backflow prevention assembly required by this ordinance for control of backflow and cross connections is not installed, tested, and maintained; or
 2. It is found that a backflow prevention assembly has been removed or by-passed; or
 3. An unprotected cross connection exists on the premises; or
 4. The periodic system survey has not been conducted. Service shall not be restored until such conditions or defects are corrected.

B. Inspection of Customer's System.

The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (see Section 14-152.B.).

C. Installation of Approved Backflow Preventer.

Whenever the water purveyor deems that a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow preventer shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

D. Type of Preventer.

The type of backflow preventer required shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

E. Exclusions.

All presently installed backflow preventers which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements herein, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, requires more than minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

F. Inspection and Maintenance Requirements.

It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the water purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the water purveyor to see that these tests are made according to the standards set forth by the Utah Department of Environmental Quality.

G. Testing Backflow Prevention Assemblies. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

H. Safety Hazards.

No backflow prevention assembly shall be installed so as to create a safety hazard. Example: installed over any electrical panel, steam pipes, boilers, pits or above ceiling level.

14-158. VIOLATION OF ORDINANCE – NOTICE – PENALTIES.

A. Unlawful Activities.

It shall be unlawful at any place supplied with water from the Delta City water distribution system to do any of the following:

1. To install, or use, or tamper with any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the Delta City water distribution system.
2. To install any connection, arrangement, or fixtures without using a backflow prevention device or assembly designed to prevent a violation of subsection 1. Any such device or assembly must be approved for installation by the Delta City Public Works Department with respect to each application.
3. To install any backflow prevention device or assembly described in subsection 2. which is not installed as required in the Utah Plumbing Code.

B. Violation of Ordinance – Discontinuance of Service.

If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the state statute and City ordinances relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto.

C. Civil and Criminal Fines and Penalties. Any person who willfully violates any rule or order adopted or issued pursuant to this ordinance or that willfully fails to take any corrective action required by such an order, shall be guilty of a class "B" misdemeanor and subject to a fine established for a class "B" misdemeanor pursuant to § 76-3-301 U.C.A., or any successor statute which may be enacted hereafter. In addition, such person shall be subject, in a civil proceeding, to a penalty of not more than ONE THOUSAND DOLLARS (\$1,000.00) per day for each violation.

14-160. DRINKING WATER SOURCE PROTECTION ORDINANCE.

Section 1. Short Title and Purpose.

(a) This ordinance shall be known as the "Delta City Drinking Water Source Protection Ordinance."

(b) The purpose of this ordinance is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of City residents and visitors. The intent of this ordinance is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within City boundaries and by the designation and regulation of property uses and conditions which may be maintained within such zones.

Section 2. Definitions.

When used in this ordinance, the following words and phrases shall have the meanings given in this section:

(a) Best Management Practices – means a practice or combination of practices determined to be the most effective practicable (including technological, economic and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil and air quality goals.

(b) City – means the City of Delta, Utah.

(c) Department – means the public agency, division, or department designated by the City of Delta to enforce the provisions of this ordinance. For the City of Delta, it shall be the Public Works Department.

(d) Design standard – means a control which is implemented by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

(e) Discharge – means and includes, but shall not be limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing or dumping regulated substances to the soils, air, ground waters or surface waters of the City. Release does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances.

(f) Drinking water source protection zone – means an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

(g) Groundwater – means any water which may be drawn from the ground.

(h) Hazardous Waste – means a hazardous waste as defined by the US EPA.

(i) Land management strategies – means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, groundwater monitoring, household

hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, etc.

(j) Person – means an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as the singular.

(k) Pollution source – means point source discharges of contaminants to groundwater or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(1) Animal feeding operation – means a lot or facility where the following conditions are met: animals or poultry have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal or poultry feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(2) Animal unit – means a unit of measurement for any animal or poultry feeding or confinement operation calculated by a formula involving the number and type of animal or poultry, its size or weight with such determination to be in accordance with current standards of the Utah Division of Water Quality and the USDA Natural Resources Conservation Service (NRCS).

(3) Extremely hazardous substances – means those substances which are identified in the Sec. 302 (EHS) column of the “TITLE III LIST OF LISTS – Consolidated List of Chemicals subject to Reporting Under SARA Title III,” (EPA 560/4-91-011).

(l) Potential contamination source – means any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a potential contamination source.

(m) Regulated substances – means substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosiveness, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability in nature, or any other characteristics relevant to a particular materia

that may cause significant harm to human health or/and environment (including surface and groundwater, plants and animals).

(n) Regulatory agency – means any governmental agency with jurisdiction over hazardous waste as defined herein and any land use management under the jurisdiction of the Delta City Planning Commission.

(o) Sanitary landfill – means a disposal site where solid waste, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(p) SARA Title III – means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300-302, pertaining to emergency response and right-to-know.

(q) Septic tank system – means a generally water-tight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

(r) Wellhead – means the upper terminal of a well, including adaptors, ports, seals, valves and other attachments.

(s) Spring – means those places where water issues or flows from the ground or earth.

Section 3. Recharge Areas and Protection Zones.

(a) Recharge Area and Protection Zone Map. The extent of the recharge areas and the protection zones may be seen on the Recharge Area and Protection Zone Map. The Recharge Area and Protection Zone Map was completed in approximately January 2000, and is incorporated herein and made a part of this ordinance. This map shall be on file with Delta City and shall be maintained by the City and public water systems whose groundwater resources lay within the City's boundaries and jurisdiction. Any amendments, additions or deletions to this map shall be by the City and/or the public water system following written notice. Notice shall be published at least thirty days prior to consideration by the City.

(b) Designation of Recharge Areas and Protection Zones.

The following recharge areas and protection zones are hereby designated within the City:

(1) Recharge area, as determined by the USGS maps.

(2) Zone one is the area within a 100-foot radius from the wellhead or spring.

(3) Zone two is the area within a 250-day groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(4) Zone three (waiver criteria zone) is the area within a 3-year groundwater time of travel to the wellhead or spring, or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(5) Zone four is the area within a 15-year groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

Section 4. Permitted uses.

The following uses shall be permitted within drinking water source protection zones:

(a) Any use permitted within existing agricultural, single family residential, multifamily residential, and commercial and other districts so long as uses conform to the rules and regulations of the regulatory agencies.

(b) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

Section 5. Prohibited uses.

The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as part of a use permitted under Section 4 of the ordinance:

(a) Zone one – The location of any pollution source as defined herein.

(b) Zone two – the location of a pollution source unless its contaminated discharges can be controlled with design standards.

(c) Zones three and four – The location of a potential contamination source unless it can be controlled through land management strategies.

(d) In determining the location of properties and facilities within the areas and zones depicted on the Drinking Water Source Protection Map, the following rules shall apply.

1. Property located wholly or partially in a recharge area or a protection zone on the map shall be governed by the restrictions applicable to that recharge area or protection zone.

2. Properties located within more than one recharge area or protection zone as shown on the map shall be governed by the restrictions applicable to the most restrictive protection zone.

3. The Recharge Area and Protection Zone Map shall be reviewed at least one time every five years or more frequently if determined appropriate by the city. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

- (i) Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology;
- (ii) Changes in wellfield configuration.
- (iii) Changes in pumping rates for the wellfield.
- (iv) Development of new wells, wellfields and/or springs.
- (v) Changes in water quality.

Section 6. Enforcement, Violation and Penalties.

(a) Inspections.

The department shall be granted the right, under this ordinance, to enforce the provisions of this ordinance for the City. An authorized officer of the City or the public water system has the right to conduct inspections of facilities to determine compliance with this ordinance. The authorized officer or the public water system shall inform the department and other City entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the City shall enforce the provisions of this ordinance without regard to whether the wells within the City boundaries are owned by the City. Noncompliance with the provisions of this ordinance is a violation. If the facility is not complying with the requirements of this ordinance, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This ordinance also regulates businesses within the protection zones and recharge areas within the City.

(b) Notice of Violations.

1. Whenever it is determined that there is a violation of this ordinance or the policies or regulations promulgated pursuant hereto, the notice of violation shall:

- (i) Be in writing;
- (ii) Be dated and signed by the authorized City agent that made the inspection or determined the violation;
- (iii) Specify the violation or violations;
- (iv) Provide a specific date that the violations will be corrected by;

(v) State that if the violation is not corrected by a specific date a hearing may be requested before the department.

2. If a potential contaminant source is out of compliance with the provisions of this ordinance, but does not pose an immediate threat to public health, then a written warning of violation may be issued within thirty days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the department if the potential contaminant source is found not to employ best management practices and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the potential contaminant source. In the event that the potential contaminant source fails to comply with a cease and desist order within the specified time period, the department has the authority to file a request for the department to initiate proceedings for issuance of penalties and other relief as necessary.

3. Any potential contaminant source or person found in violation of any provisions of this ordinance will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of this ordinance constitute a class "B" misdemeanor, punishable as provided by law. In the event of a spill, leak or discharge of a regulated substance, if the authorized officer deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the department has the authority under this ordinance to cause cessation of such activity or use of regulated substance, require administrative controls to mitigate such danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this ordinance if there is misuse of regulated substances in a protection zone or recharge area.

(c) Appeals.

1. Persons cited under the enforcement provisions of subsections (a) and (b) of this section shall be afforded a process for appealing the ruling of the department. If the appeal pertains to a written warning of violation requesting the potential contaminant source to correct an unintentional violation in a reasonable amount of time, the potential contaminant source can submit to the department a written statement demonstrating compliance or explaining a process for coming into compliance. This written response is required no later than thirty days from the date of issuance of the warning.

2. If the appeal pertains to a cease and desist order issued by the department, the potential contaminant source can submit a written appeal response no later than ten days from the date of issuance of the order. The written appeal shall contain:

(i) Documentation of compliance;

- (ii) Response to specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance; and
- (iii) Schedule for compliance.

3. Upon receipt of the written appeal, the department shall be required to review the appeal within thirty days of its receipt and respond to the potential contaminant source. If the department determines that the written response from the potential contaminant source is adequate and noncompliance issues are address, the potential contaminant source will be notified by mail and no further action is required. If the department determines that the appeals response is inadequate, the potential contaminant source may request a hearing before the department. This hearing shall be held within thirty days of receiving the cease and desist order and shall remain in effect until the hearing is conducted.

Section 9. Liability.

Any person subject to regulation under this ordinance shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the City or the public works system and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, and destruction or loss from the release or threatened release of a regulated substance as defined by this ordinance. Such removal or remedial action by the City or the public works system may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting or dumping of any regulated substance or material which creates, or is expected to create, an emergency hazardous situation.

14-170. RESERVED.

14-200. SEWER.

14-210. ADMINISTRATION.

14-211. SEWER DEPARTMENT AND SYSTEM.

The sewer department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of Delta City's sewage collection and disposal system. The department shall administer the operation and maintenance of the municipal sewer system.

14-212. SUPERINTENDENT OF THE SEWER DEPARTMENT. There is hereby created a position of superintendent of the sewer department. The Public Works Director shall be the sewer department superintendent until otherwise provided by the City Council.

14-213. DUTIES OF THE SUPERINTENDENT.

The superintendent of the sewer department shall manage and supervise the Delta City sewer system under the direction of the City Council, which from time to time shall be resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the Mayor relating to the sewer system.

14-214. APPLICATION FOR SEWER SERVICE.

Any person who desires or is required to secure sewer service when such service is available from the municipal sewer system shall apply therefor to the City Recorder and file an agreement with Delta City which shall be in substantially the below-stated form:

APPLICATION FOR SEWER SERVICE

(Date)

TO THE CITY OF DELTA, UTAH:

The undersigned hereby applies for sewer services from Delta City for premises located at _____ and hereby agrees to pay charges for such sewer services as shall be fixed by the Delta City Council by resolution or ordinance until such time as I shall direct in writing that such service be discontinued.

In the event of a failure to pay for this service within the due dates fixed by the City Council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the City Council relating to the use of the sewer system, Delta City shall have the right to discontinue my water service from the municipal water system until all delinquencies and reconnection fees imposed are paid in full or until any failure to conform to the sewer ordinances or regulations issued thereunder is eliminated.

Additionally, I agree that Delta City shall have the right to institute collection proceedings by all means available to .t, including suit in a court of proper jurisdiction. The applicant agrees to pay all costs of collection including court costs and attorney's fees.

The undersigned agrees to be bound by the rules, regulations, resolutions or ordinances enacted or adopted by the Delta City Council applicable to the Delta City sewer system.

(Signed)

In consideration of the acceptance of the application for sewer service submitted by (any present or future tenant) _____, I, or we will pay for all sewer services furnished to such tenant, or other occupant of ____ (premises) ____ in case such tenant

or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of Delta City.

(Owner)

14-215. NON-OWNER APPLICANTS – AGREEMENT BY OWNER.

Applications for sewer services made by the tenant must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent as provided in the form of agreement set out in Section 14-214 above. Provided, the application required under Section 14-214 above may be combined with the water service application under Section 14-115.A. so as to require only one application for both water and sewer services.

14-216. RATES AND CONNECTION FEES.

The rates, penalty fee for delinquency in payment and connection fees for sewer services from the municipal sewer system shall be fixed from time to time by resolution or ordinance of the City Council. The City Council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer service and all other rules necessary for the management and control of the sewer system.

14-217. SPECIAL RATES.

The City Council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.

14-218. BOARD OF EQUALIZATION, RATES AND REBATES.

The City Council is hereby constituted a board of equalization of sewer rates to hear complaints and made corrections of any assessments or charges deemed to be illegal, unequal or unjust.

14-219. DELINQUENCY – DISCONTINUANCE OF SERVICE.

All procedures, including any written notices required to be sent regarding payment for sewer services, discontinuance of services and collection proceedings, shall follow the procedures contained in Section 14-121 of the Revised Ordinances of Delta City (1981 edition), as amended.

14-220. USE OF SEWER SYSTEM MANDATORY. Individual property owners shall connect to the sewer main if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy, except as provided herein.

It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool or septic tank on the property except as approved in writing by the City Council. The City Council may give approval for use of such other sewage disposal systems as may be approved by the Delta City Department of Health when such sewage system does not present a danger or hazard to the health or safety of any person and when sewage disposal service is not available through the Delta City sewer system due to the elevation, location or condition of the premises from which sewage is disposed of, or due to lack of capacity in the Delta sewage disposal and treatment system to accommodate the volume of type of sewage disposed from such premises.

14-221. QUALIFIED PLUMBING NECESSARY.

It shall be unlawful for any person to connect any drain or sewer pipe with the municipal sewer system unless the person is a Utah licensed and bonded contractor or plumber or unless, in the absence of a Utah licensed and bonded contractor or plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to the Public Works Director for review and approval. After the granting of such permit, the installation or work done shall be subject to inspection by the Public Works Director or his agent. The owner or contractor requesting connection shall bear all expenses associated with such connection and shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

14-222. PERMITS FOR INSTALLATIONS.

It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connection of any drain or sewer pipe connection with or part of the municipal sewer system without first having received a permit from the office of the City Recorder or the sewer superintendent.

14-223. WHEN PERMITS SHALL NOT BE ISSUED.

Permits to connect to the municipal sewer system shall not be issued unless the plumbing in the house or building meet plumbing codes of Delta City.

14-224. REVOCATION OF PERMITS.

All construction permits for sewer connections or installations shall be issued to the plumber who is to do the work or to the owner of the property, subject to the supervision and inspection by the superintendent or his agents. The City Recorder or superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

14-225. PIPES TO BE KEPT IN GOOD REPAIR.

All users of the sewer services shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the sewer superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.

14-226. QUALITY OF SERVICE PIPE.

All service and other pipes used in conjunction with the sewer services of Delta City shall be of such material, quality and specifications as the City Council may from time to time by resolution provide and shall be installed at such distances below ground as may be specified by regulations relating to the sewer department. All work, alterations or extensions affecting municipal sewer pipes shall be subject to the acceptance of the sewer superintendent and no connections with sewer mains shall be made without first obtaining a permit therefor from the City Recorder.

14-227. DEPARTMENT TO HAVE FREE ACCESS.

The sewer superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the municipal system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use.

14-228. TRIAL SEWER SURVEY.

In order to determine the feasibility of connecting a basement or proposed basement to the sanitary sewer, the owner or plumber may make application for a trial sewer survey, the cost of which shall be established from time to time by resolution of the City Council. The result of a trial sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.

14-230. REGULATION AND CONTROL OF SEWER.

14-231. PROHIBITED USES.

A. Inflammables.

It shall be unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, any calcium carbide or residue therefrom, or any liquid or other materials or substance which will emit an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any building where volatile fluids are used must not be connected directly or indirectly with a sewer.

B. Waste pipes from enumerated establishments. The contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the

stabling or keeping of horses, cows and other animals, or plants using milk or processing milk products and all similar establishments shall not be disposed of through connection with a sanitary sewer unless such contents are discharged into settling tanks properly trapped and vented. The construction of such tanks must be approved by the municipal engineer, and must be subject to his inspection, approval or condemnation before cement is poured and at all times thereafter until completion of such construction. Upon condemnation by the municipal engineer, the sewage from the tanks shall not be allowed to flow into the sewer until satisfactory alterations have been made and the construction approved by the municipal engineer.

C. Obstructive material.

It shall be unlawful for any person to empty or discharge into the public sanitary sewer any garbage, refuse or other similar matter or substance likely to obstruct the sewer, or any substance, solid or liquid other than the waste products for which the sewer is provided.

D. Drainage waters and destructive materials.

It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rain water, cellar or surface water, acids, alkalies, lye or other injurious liquid, or the contents of any spring, flowing well, creek, ditch or other water courses. No boiler or heating plant shall be directly connected to the sanitary sewer. The overflow from boilers or heating plants, when cooled to a temperature not to exceed 120 degrees Fahrenheit, will be allowed to run to a sump, which sump shall be connected to the sewer. The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores, or warehouses which contain inflammable substances, buildings, for the stabling of horses, cows and other animals, and all similar establishments, shall not be made into or connected with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented. Settling tanks shall be constructed of a material approved by the superintendent and shall be at all times subject to his inspection and approval or condemnation. Upon condemnation by the superintendent, sewage from said tanks shall not be allowed to flow into sewer until satisfactory alterations have been made and the construction approved by the superintendent.

14-232. OWNERSHIP AND MAINTENANCE OF SEWER LATERALS.

All sewer laterals lying within the right of way of a City street shall be owned by the City. For purposes of this ordinance, sewer laterals shall be defined as the pipeline connecting a property to the sewer main. It shall be the responsibility of the individual property owners to maintain all sewer facilities on their premises and the sewer laterals that connect the sewer facilities on said premises to the main sewer lines in the adjacent streets. Any damage to the building or contents that may arise as a result of a blockage

of said lateral shall be the responsibility of the property owner and/or occupant. It shall be the responsibility of the Public Works Department to maintain, repair and keep free from obstructions the main sewer lines in the various City streets. In the event an individual property owner fails to properly maintain a sewer lateral which failure results in the need for repair or replacement, the City shall cause such sewer lateral to be repaired or replaced. However, the individual property owner will assume the cost of the repair or replacement.

14-233. RESERVED.

14-234. RESERVED.

14-235. RESERVED.

14-300. MUNICIPAL WATER AND SEWER LINE EXTENSIONS.

14-301. LINE EXTENSION AGREEMENTS AUTHORIZED.

14-311. LINE EXTENSIONS.

Any subdivider or developer requesting water line extensions under Section 14-114 of these ordinances or requesting sewer line extensions and any other person requesting extension of water or sewer lines shall make application for such extensions as provided in this part.

14-312. LINE EXTENSION AGREEMENTS REQUIRED.

When the Public Works Director or engineer determines that water line extensions must be constructed in order to provide adequate water or sewer service for new connections to be located on premises served or to be served by the municipal water or sewer systems, the applicant for such service shall enter into a written line extension agreement in a form approved by resolution of the City Council. Any extension agreement so approved shall establish conditions for such line extensions to be made, assure compliance with all City standards, provide for at least a one-year warranty period on all extensions and related facilities, establish a formula and method for calculating reimbursement, if any, to the applicant for each connection made to the line extension and provide that the line extensions and all related fixtures and facilities shall be dedicated to the City and become the property of the city at the end of any relevant warranty periods.

14-313. AUTHORIZATION TO ENTER AGREEMENTS.

Authorization is hereby given to the Mayor, acting on the advice of the city administrator and city water superintendent and such other City personnel as the Mayor deems necessary, to execute any standard form extension agreement approved by the City Council for such use, except that the Council must specifically approve any

agreements that may require the City to participate in the capital cost for a line extension or extensions or approve an agreement when an applicant refuses to agree to the terms of any approved standard extension agreement form, thereby requiring that a more specific agreement be drafted as to the line extension in question.

14-314. EXTENSIONS TO MEET CITY REQUIREMENTS.

Any line extensions constructed pursuant to this chapter shall be built according to all applicable city standards and specifications. The applicant shall comply with all applicable permit, licensing and other requirements set out in the ordinances of Delta City and laws of the state of Utah. The City may, at its sole option, require an increase in line size or line capacity and may further require installation of such regulating devices, fixtures, controls, hydrants, connections or other facilities as may be necessary or advisable for the City to meet applicable state health standards, requirements of any entity furnishing funds for construction of line improvements or extensions and as may be determined necessary by the City Council to provide service to the present or future residents of that area of the City in which the line extensions are to be constructed. The City Council may, at its sole option, provide additional financing for enlargements or additions to the facilities necessary to supply the uses specified by an applicant for extension of water or sewer lines.

14-320. ADMINISTRATION OF LINE EXTENSION AGREEMENTS.

14-321. LINE EXTENSION PLAT.

The City Recorder shall maintain in the Delta City offices a plat or plats showing all line extensions which are subject to a line reimbursement agreement. The city administrator and city staff shall be responsible, under the direction of the city administrator, for administering the line reimbursement agreements entered by the City and providing for payment of reimbursements from the City to those persons entitled under a line reimbursement agreement.

14-322. REIMBURSEMENT PAYMENTS.

Reimbursement payments under a line extension agreement shall not be required to be made not more than semi-annually, or at such other interval as the City Council may direct in approving a specific line reimbursement agreement. Payment shall be made to the applicant for a line reimbursement agreement or to such persons as the applicant whose signature appears on the line reimbursement agreement may direct in writing. The City of Delta and all city personnel shall be entitled to rely on written instructions purporting to be given by the signatory to a line reimbursement agreement. In the event that any funds designated for line reimbursement, or if the City is unable to locate the person or persons entitled to payment within two (2) years of the date on which payment was due from the City, the funds which would otherwise have been paid shall revert to

the capital improvements fund for the system, whether water or sewer, on which reimbursement was due.

14-323. REVENUE SOURCE FOR REIMBURSEMENT PAYMENTS.

Reimbursement payments shall be drawn from that portion of connection fees to the water or sewer system, as applicable, designated by resolution of the City council as being available for line reimbursement payments. Reimbursement on any line extension shall be paid only from connection fees paid by persons connecting to the line extension to which an agreement applies. The City Council shall have authority to designate other funds for reimbursement payment in specific instances. The Mayor and city administrator are hereby authorized to make reimbursement payments within the guidelines established by this section without further authorization from the City Council.